REMARKS

This is responsive to the outstanding Office Action issued July 14, 2004. Claims 1-16 were pending in the application. The claims were subject to a restriction requirement. Applicant traverses with an explained/contingent election below.

The Examiner made a statement, which is perhaps unintended, which follows with unintended consequences. The last sentence in the second paragraph on page 2 of the Office Action, states: "Currently no pending claim is generic." The consequence of this is that applicant already made an election through the drafting of the claims.

Should the Office Action statement not be in error: Applicant asserts that patent claims, not patent drawings, define the scope of the invention. The requirement of one invention per application rule is a rule that considers the claims, therefore, and not the drawings. The election requirement is for the purpose of observance of the one invention per application rule. Since this application only contains one independent claim, "which allegedly is not generic", namely claim 1, no election requirement is appropriate and should be withdrawn.

Moreover, the election requirement is to identify the claims the examiner believes relate to each species. This was not done in accordance with USPTO procedure. Applicant is accordingly left in a position to guess what the species is that the Examiner believes is defined by the claims. (The Examiner asserts that claim 1 is not generic.) Applicant's domestic counsel recently received the file and has not yet received the drawings to which the Examiner is referring. Applicant's counsel has information and therefore believes that claim 1 reads on the drawings of Species A.

Should the election requirement be maintained, applicant elects the species defined in the claims. (Claim 1, from which all other claims depend, according to the Examiner is not generic.) Applicant believes the claims refer to the drawings in Species A and on such premise elects Species A and identifies all claims as being Species A.

Should the Examiner be asserting that claim 1 is generic and not all dependant claims are drawn to the same species, Applicant believes the claim designation should be claims 1, 3, 9-11, and 12-15 as relating to species A.

ATTENTION

Do to the confusion introduced in the Office Action, Applicant requests:

- The Examiner's identification of which claims the Examiner asserts read on Species A.
- A telephone call to counsel to clarify this matter.

Applicant's counsel has placed a call to the Examiner to clarify the difficulties in the Office Action. Since there was no answer, Applicant counsel briefly summarized the above and asked the Examiner to call counsel at **(763) 493-4011** once this Response is received.

CONCLUSION

It is respectfully submitted that all of the presently pending claims should be seen to be fully supported by the present specification and to define an invention patentable over all of the art of record, whether taken separately or in any combination. The prompt issuance of a formal Notice of Allowance is seen to be in order and is solicited to be forthcoming.

Should the Examiner be of the opinion that any minor matters remain to be settled prior to the issuance of a Notice of Allowance, a telephone call to the undersigned attorney of record is respectfully invited to assure prompt resolution thereof. Counsel may be reached at: **(763) 493-4011.**

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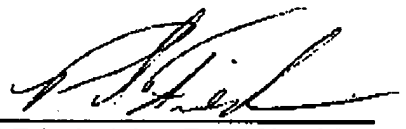
By 

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